

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ALLSTATE INSURANCE COMPANY,
as successor-in-interest to NORTHBROOK
EXCESS AND SURPLUS INSURANCE
COMPANY, formerly NORTHBROOK
INSURANCE COMPANY,**

Plaintiff,

v.

**CENTURY INDEMNITY COMPANY,
as successor to CCI INSURANCE COMPANY,
as successor to CIGNA SPECIALTY
INSURANCE COMPANY, formerly known as
CALIFORNIA UNION INSURANCE
COMPANY; and GREATER NEW YORK
MUTUAL INSURANCE COMPANY,**

Defendants.

CIVIL NO. 06-4373

ORDER

AND NOW, this 29th day of October, 2009, upon consideration of Century's Cross Motions for Continuance and Additional Discovery [Doc. No. 61], Allstate's Reply in Opposition to Century's Cross Motion [Doc. No. 66], and all other relevant pleadings in this case, it is hereby **ORDERED** that, in light of equitable principles, Century's Cross Motions for Continuance and Additional Discovery under Federal Rule of Procedure 56(f) are **GRANTED** and further discovery is permitted as follows:

1) Fact and expert discovery shall be reopened for forty-five (45) days, on the issue of whether Century's excess coverage policy for the 1979-1980 term defines Century's aggregate limits, if any;

2) The parties must file a status report due on or before December 14th, 2009, which must address the impact and effect, if any, that the additional discovery may have produced;

3) Allstate's Motion for Summary Judgment [Doc. No. 49] is **DISMISSED** without prejudice and may not be refiled until fact discovery is complete per the terms of this Order;

4) GNY's Cross Motion for Summary Judgment [Doc. No. 55] is **STAYED** and **DEFERRED**;

5) The following cross motions filed by Century are hereby **DISMISSED** without prejudice, and Century is granted leave to refile any appropriate summary judgment motions after the additional limited discovery is concluded, but no later than December 21st, 2009:

A) Century's Cross Motion to Strike Affidavit, Exhibits and References [Doc. No. 62] and

B) Century's Cross Motion for Summary Judgment Initial Filing under Rule 56(b) Alternative Method [Doc. No. 63];

6) Century's Cross Motion to Correct Docketing of Cross Motion as Motion [Doc. No. 64] is hereby **DISMISSED** with prejudice; and

7) The Clerk shall place the above-captioned matter in **STAY** and in **SUSPENSE**.
The stay will remain in effect until further Order of Court.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.